

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 2002-05

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-017-02

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

**For Filing
Administrative
Regulations**

For Emergency
Regulations Only

Effective Date

Expiration Date

Governor's Signature

State Environmental Commission

Classification ☐ Proposed ☐ Adopted By Agency ☒ Temporary ☐ Emergency ☐

Brief description of action: **Petition 2002-05 (R-017-02)** is a permanent amendment to NAC 445B.400 to 445B.774, the vehicle emission control program. LCB Petition R055-00 as filed July 7, 2000 was amended to remove the limitation on applicability of the on-board diagnostic systems for counties with a population of more than 400,000. The restrictive trigger for effectuating the implementation of on-board diagnostic systems was removed. An effective date of March 1, 2002 for implementation of on-board diagnostics was established for Clark and Washoe Counties.

Authority citation other than 233B: NRS 445B.210 and 445B.770

Notice date: February 7, February 14 and February 21, 2002

Hearing date: March 8, 2002

Date of Adoption of Agency: March 8, 2002

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 2002-05 LCB File R-017-02
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445B. This regulation deals with amendments to the vehicle emission inspection and maintenance program.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 2002-06 (LCB File R-020-02), was noticed three (3) times on February 7, February 14 and February, 2002 as a permanent regulation in the Las Vegas Review Journal and the Reno-Gazette-Journal newspapers. Regulatory workshops were conducted by the Nevada Division of Environmental Protection's Bureau of Air Quality Planning on February 27, 2002 in Las Vegas and March 1, 2002 in Reno. The regulation was adopted by the State Environmental Commission as a permanent regulation on March 8, 2002. There was no public comment or written testimony received by the Commission during permanent adoption. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3118, or writing to the Commission at 333 W. Nye Lane, Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

(a)	Attended each hearing;	26
(b)	Testified at each hearing:	0
(c)	Submitted to the agency written comments:	0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices and public workshops. There was no comment or written testimony received from affected businesses by the Commission during permanent adoption. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Lane, Room 138, Carson City, Nevada 89706-0851.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted by the State Environmental Commission on March 8, 2002 without request for amendment.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Estimated economic effect of the regulation on the business which it is to regulate;

The Nevada Department of Motor Vehicles has already moved forward with implementing the on-board diagnostic II testing at the state's smog check inspection stations. The estimated short-term impact is approximately \$12,950 per station. There are approximately 400 stations in Clark and Washoe County for a cumulative cost of about \$5,000,000. The inspection stations have already incurred these costs. This investment cost will offset the existing tailpipe testing, reducing the long-term emission testing equipment maintenance costs.

(b) Estimated economic effect on the public;

The proposed amendments are not expected to have any economic short or long-term adverse impact upon the public

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for implementation of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulations do not overlap or duplicate any regulations of another state or local governmental agency.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This regulation is no more restrictive or stringent than federal requirements. The regulation implements U.S. EPA final rules of May 8, 1998 (Federal Register Volume 63, No. 85, pp. 24429-24434) and April 5, 2001 (Federal Register Volume 66, No. 66, pp. 18156-18179) for Inspection/Maintenance Program Requirement for On-Board Diagnostic Checks.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide for any new or increased fees.

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ADOPTED REGULATION OF THE STATE

ENVIRONMENTAL COMMISSION

LCB File No. R017-02

February 13, 2002

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 445B.210 and 445B.770.

Section 1. Section 1 of LCB File No. R055-00, which was adopted by the state environmental commission and which was filed with the secretary of state on July 27, 2000, is hereby amended to read as follows:

Section 1. Chapter 445B of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. Any motor vehicle with a 1996 or newer model year which is equipped with a certified on-board diagnostic system and which is subject to inspection pursuant to chapter 445B of NRS, as a condition of compliance with the inspection, must have the certified on-board diagnostic system inspected.*
- 2. The department shall develop test procedures and certify equipment to be used for inspecting certified on-board diagnostic systems.*
- 3. As used in this section, “certified on-board diagnostic system” means a computer system which is contained within the vehicle and which is certified by the United States Environmental Protection Agency to be fully capable of monitoring all the sensors and actuators in the drivetrain of the vehicle to determine whether the sensors and actuators are working as intended.*

Sec. 2. Section 4 of LCB File No. R055-00, which was adopted by the state environmental commission and which was filed with the secretary of state on July 27, 2000, is hereby amended to read as follows:

Sec. 4. This regulation becomes effective on ~~{the date the state environmental commission notifies the department of motor vehicles and public safety that:~~

- ~~—1. The amount of carbon monoxide in the air in Clark County exceeds the national ambient air quality standards for carbon monoxide set forth in 40 C.F.R. Part 50; or~~
- ~~—2. The actual vehicle miles traveled exceed the projected vehicle miles traveled set forth in the state implementation plan which has been approved by the United States Environmental Protection Agency.}~~

March 1, 2002.

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